

REMARKS

Claim 14 has been amended to correct an error raised by the Examiner, and claims 12-22 remain in the case.

The Examiner rejects claims 12-21 citing Beard et al 800 in view of Sedam '292. Applicant has amended claims 12-19 and 22 to further differentiate the method of the present invention from the prior art.

An important distinguishing feature of the present, claimed system when compared to the prior art relates to the one-way (i.e., mono-directional), repeated transmission of data from the vending machine(s) to the local receiving area for reception by the service vehicle. Unlike the cited references, the present system does not require the use of transceivers as depicted in the prior art references; indeed, the claims of the present case, as amended, specifically recite mono-directional RF transmission only from the vending machines to the reception area. Accordingly, the service vehicle receives a signal when it enters the reception area; unlike the prior systems, no initial transmission from the service vehicle is required to initiate transmission of the vending information. Unlike the prior art, the system of the present invention in effect saturates the reception area with repeated transmissions so that the service vehicle, upon entering the area or shortly thereafter, receives the transmission(s). No two way transmissions of data are therefore required.

Accordingly, the present system does not require costly equipment, and dispenses with the problems of providing a clear channel path for two-way communications; rather, the present system is only concerned with a single RF communication path from the vending machine(s) to the

service vehicle at the pre-designated receiving area.

This concept is new to the vending industry, and the inventors in the present case introduced a product embodying the claimed invention, sold under the trademark "BuzzBox", in October 2002.

As set forth in the attached affidavits, the product has gained considerable attention in the market place and the media, having sold over 5000 units in the U.S. and abroad, and having been the subject of numerous articles in nationally recognized trade journals and other media, including the Cable News Network (CNN), which articles recognized the novelty, ingenuity, and cost effectiveness in the system, providing "curb-side polling" where none had viably existed before.

Accordingly, the following supporting documentation is attached:

1) a Section 7.16.03 Affidavit of Commercial Success with Exhibits - executed by Ira A. Kronenberg, one of the co-inventors and president of Compuvend Systems, Inc., maker of the BuzzBox;

2) Combine 37 CFR 1.132 Affidavit of Non-Obviousness and Section 716.03 Affidavit of Commercial Success, executed by James T. Babiarz, operator of a large (600+ vending machines) vending company and customer of the BuzzBox; and

3) Affidavit of non-obviousness from Tim Sanford, Editor of Vending Times, a nationally recognized vending trade publication.

It is averred that the above affidavits provide documentary indicia of non-obviousness by sworn testimony of knowledgeable, respected parties in the field as to the novelty and non-obviousness of the present claimed invention. Further, it is established that the product of the present invention, the BuzzBox, fulfills a long felt but unresolved need in the industry, by providing

a cost effective, reliable system for delivery vending machine data to a service vehicle in a reception area utilizing a repeating mono-directional RF transmission.

Further, it is attested that a viable system for “curbside polling” did not exist prior to the BuzzBox, and that the system of the present invention provides a new category of product which heretofore was unavailable at reasonable cost and effectiveness.

Also, the attached affidavits show that prior systems for vending telemetry have more often than not failed and all have been universally costly, cumbersome, and inflexible, and that the present invention provides a new and unique technique for relaying vending data to a local reception area by a service vehicle which is easily implemented, reliable in operation and very cost effective.

In the present Office Action, the Examiner admits that Beard lacks the teachings of the specific steps and details associated with the communication and vending servicing system. The present amendment further differentiates the present system from Beard, which utilizes two-way communications and far more complicated and expensive equipment to relay the vending data.

The Examiner asserts that Sedam teaches “a sales and cash monitoring system for identified vending machines..where data is received a predetermined intervals.. to provide for more efficient scheduling of routes.. and utilizing radio communications for transmitting/receiving data..”

However, like Beard, Sedam requires bi-lateral communication to function (Sedam via a telephonic connection at the vending area utilizing a modem, which is not comparable to the present system as claimed (see Col 2, lines 47-56). Once again, the present invention contemplates a one-way, repeated transmission to the reception area which is periodically refreshed with new data, which transmission is received by the service vehicle when it reaches the receiving area.

As taught in the specification of the present application and claimed in one or more of the

claims above of the present invention, a transmitter is provided generally with each of the vending machines, each transmitter in a group of vending machines independently repeatedly transmitting vending data, with all of the transmitters adjusted (if necessary) to provide a common reception area where all of the transmissions may be received by the delivery vehicle. Thus, a group of independently operating transmitters each with their own unique, repeated, periodically refreshed transmissions is provided to the reception area, which transmissions are received and consolidated to provide the vending data for re-stocking product and change in the machines. This is not taught, suggested, or contemplated, alone or in combination via the prior art cited by the Examiner.

The Examiner has also cited Howell in its rejection of Claim 22 in combination with Sedam and Beard. Claim 22 as amended likewise overcomes this rejection, for reasons stated above.

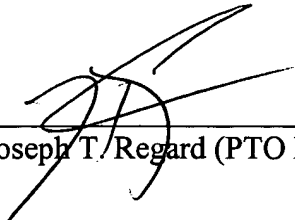
Further, the Affidavits attesting to Non-obviousness and commercial success provide "secondary indicia of non-obviousness", further overcoming the cited prior art.

The present system fills a unique and new market niche created by the present system which previously did not exist, has been installed at locations nationwide with success and is made possible and practical due to current technological advances that did not exist in the past.

Thus, on reconsideration, it is respectfully submitted that the present claims should be allowed as being patentable under 35 U.S.C. 103.

If additional issues remain, and the Examiner is of the opinion that same could be resolved by telephone amendment, the undersigned respectfully requests same at (985) 845-0000.

Respectfully submitted,



Joseph T. Regard (PTO Reg 34, 907)

Joseph T. Regard, Ltd (APLC)
Post Office Drawer 429
Madisonville, LA 70447-0429
Tel:(985) 845-0000
Fax:(985) 845-7090
Email: jregard@regard.net

CERTIFICATE OF MAILING

I HEREBY CERTIFY that the present document was deposited in the US Mail, First Class, postage prepaid and properly addressed to the Commissioner of Patents, US Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450, this 29th day of September, 2004.



Joseph T. Regard (PTO Reg 34,907, Cust 27,988)